

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
*See* Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

OCT 27 2011

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2011-0107
	)	DEPARTMENT B
	)	
Appellee,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
SIONE PONGI TOKI,	)	the Supreme Court
	)	
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. S1100CR201000175

Honorable Boyd T. Johnson, Judge

AFFIRMED

Harriette P. Levitt

Tucson  
Attorney for Appellant

V Á S Q U E Z, Presiding Judge.

¶1 After a three-day jury trial, appellant Sione Toki was convicted of three counts of child molestation, class two felonies and dangerous crimes against children. *See* A.R.S. §§ 13-1410, 13-1401(2). The trial court sentenced him to consecutive, presumptive sentences totaling fifty-one years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has

reviewed the record thoroughly and has found no arguable issues to raise on appeal. Counsel has asked us to search the record for “error.” Toki has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, the evidence was sufficient to support each of the jury’s findings of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence showed that Toki intentionally or knowingly touched the genital areas of two of his grandchildren, who were approximately five and ten years old when the incidents took place. In addition, the sentences are within the statutory limits and were imposed legally. *See* A.R.S. § 13-705(D).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. We therefore affirm Toki’s convictions and sentences.

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Judge

/s/ J. William Brammer, Jr.  
J. WILLIAM BRAMMER, JR., Judge